THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8263 OF 2005

DATED 16th March, 2006

BETWEEN

K.Suryaprakasa Rao, s/o Satyanarayana

… Petitioner

and

The District Collector (Panchayat Wing), Krishna District at Machilipatnam and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8263 OF 2005

ORDER:

Though interlocutory matters are listed, the writ petition is being disposed of at the interlocutory stage.

The petitioner is a Sarpanch of Surampalli village of Gannavaram Mandal in Krishna District. It appears the work of digging seven bore wells in the Gram Panchayat was entrusted to the fourth respondent. After completing the work, he gave a petition/complaint to the District Collector alleging that though an amount of Rs.2,04,967/- is due to him on account of digging seven bore wells, the petitioner paid only a sum of Rs.32,000/-. The said complaint was got enquired into through Divisional Panchayat Officer, Nuzvid. After receiving the report, the first respondent issued proceedings, dated 02.04.2005, directing the petitioner to pay the balance amount of Rs.1,72,968/- to the fourth respondent within ten days. The petitioner was also informed that if he fails to pay the amount, appropriate action will be taken against him and the then Panchayat Secretary, who appears to have already been

suspended. Assailing the proceedings of the District Collector, the present writ petition is filed.

Learned counsel for the petitioner vehemently contends that as per the proceedings of the District Collector, dated 08.11.2004, the fourth respondent received the panchayat funds for the works executed and therefore, the finding of the first respondent is factually incorrect. If that be so, nothing prevents the petitioner to approach the District Collector and file appropriate report/explanation. In the nature of the background of this case, where allegation is made against the Sarpanch and District Collector found after enquiry that the allegation of non-payment is true, the scope of adjudication is very limited. The writ petition, therefore, cannot be entertained.

Giving liberty to the petitioner as above, the writ petition is dismissed. No costs.

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(V.V.S.RAO,J)

16.03.2006

pln